

To: CN=Tom Hagler/OU=R9/O=USEPA/C=US@EPA;CN=Bruce Herbold/OU=R9/O=USEPA/C=US@EPA[]; N=Bruce Herbold/OU=R9/O=USEPA/C=US@EPA[]
Cc: CN=Carolyn Yale/OU=R9/O=USEPA/C=US@EPA;CN=Erin Foresman/OU=R9/O=USEPA/C=US@EPA;CN=Sam Ziegler/OU=R9/O=USEPA/C=US@EPA[]; N=Erin Foresman/OU=R9/O=USEPA/C=US@EPA;CN=Sam Ziegler/OU=R9/O=USEPA/C=US@EPA[]; N=Sam Ziegler/OU=R9/O=USEPA/C=US@EPA[]
From: CN=Karen Schwinn/OU=R9/O=USEPA/C=US
Sent: Sat 11/21/2009 12:47:52 AM
Subject: Re: Fw: Attached are the Draft Basic and Draft Overall Purposes for section 404 for the Bay Delta Conservation Plan as submitted by DWR.

Before we push the panic button, let's see if DOI has even seen this. I thought this was a DWR proposal.
Sent by EPA Wireless E-Mail Services

From: Tom Hagler
Sent: 11/20/2009 04:38 PM PST
To: Bruce Herbold
Cc: Carolyn Yale; Erin Foresman; Karen Schwinn; Sam Ziegler
Subject: Re: Fw: Attached are the Draft Basic and Draft Overall Purposes for section 404 for the Bay Delta Conservation Plan as submitted by DWR.

So the Obama Department of the Interior is going to sign off on a stated project purpose to divert more water out of the Delta than has ever been diverted?

Here's what I need, and I need it fast (meaning, like, next Tuesday):

(1) I need that graphic that shows total deliveries (CVP and SWP broken out) south of Delta, going from now backwards. Bruce, I think you have the color version of this. I'd like both a hard copy and an ecopy.

(2) I need the total South of Delta contracts amount, preferably for both the SWP and the CVP, separately. But if you have only the CVP, that's fine. I think this total is on the CVP web site somewhere, and I think we dug it out once before. Either Bruce or Carolyn.

(3) I would like to start collecting the EPA letters (mainly OFA but I think we also raised this in some Water Div letters) raising the issue of this being an overcommitted water supply. Carolyn, this may be something you could do with the OFA folks, since I think you've been around in one place or another for most of this.

-----Bruce Herbold/R9/USEPA/US wrote: -----

To: Carolyn Yale/R9/USEPA/US@EPA
From: Bruce Herbold/R9/USEPA/US
Date: 11/20/2009 10:34AM
cc: Erin Foresman/R9/USEPA/US@EPA, Karen Schwinn/R9/USEPA/US@EPA, Sam Ziegler/R9/USEPA/US@EPA, Tom Hagler/R9/USEPA/US@EPA
Subject: Re: Fw: Attached are the Draft Basic and Draft Overall Purposes for section 404 for the Bay Delta Conservation Plan as submitted by DWR.

the second basic purpose given is:

"restore and protect the ability of the SWP and CVP to reliably divert and deliver water up to full contract amounts, when hydrologic conditions result in the availability of sufficient water, consistent with the requirements of state and federal law and the terms and conditions of water delivery contracts held by SWP contractors and certain members of San Luis & Delta Mendota Water Authority (SLDMWA). "

which part of that are they not doing now? The only portion in there that I see is "full contract amounts," but it is unclear to me that they could do that under any conditions short of San Joaquin floods. Am I wrong? Is it not another clear inability to state what "water supply reliability" consists of?

B

Carolyn Yale---11/20/2009 09:00:54 AM---A heads up from Mike Nepstad. (Have we had recent discussion with the COE and/or BDCP folks on Sec

From: Carolyn Yale/R9/USEPA/US
To: Karen Schwinn/R9/USEPA/US@EPA, Tom Hagler/R9/USEPA/US@EPA, Bruce Herbold/R9/USEPA/US@EPA
Cc: Erin Foresman/R9/USEPA/US@EPA, Sam Ziegler/R9/USEPA/US@EPA
Date: 11/20/2009 09:00 AM
Subject: Fw: Attached are the Draft Basic and Draft Overall Purposes for section 404 for the Bay Delta Conservation Plan as submitted by DWR.

A heads up from Mike Nepstad. (Have we had recent discussion with the COE and/or BDCP folks on Section 404?)

Will check in with Karen re follow up. (I'd say we need a preliminary talk with COE to iron out understanding re reframing purpose statement.)

C

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----- Forwarded by Carolyn Yale/R9/USEPA/US on 11/20/2009 08:39 AM -----

From: "Nepstad, Michael G SPK" <Michael.G.Nepstad@usace.army.mil>
To: "Clay, Lisa H SPK" <Lisa.H.Clay@usace.army.mil>, Carolyn Yale/R9/USEPA/US@EPA, Erin Foresman/R9/USEPA/US@EPA
Date: 11/20/2009 08:23 AM
Subject: Attached are the Draft Basic and Draft Overall Purposes for section 404 for the Bay Delta Conservation

Plan as submitted by DWR.

<<BDCP_Draft_Purpose_Statement_10-23-09.doc>>

Attached are the Draft Basic and Draft Overall Purposes for section 404 for the Bay Delta Conservation Plan as submitted by DWR.

I disagree with their Purposes. I think they are attempting to so narrowly define their project as to preclude looking at any alternatives other than a new canal.

I believe the Basic Purposes of the BDCP is:

- 1) Surface water supply
- 2) Establish fishery habitat

I believe the Overall Purposes of the BDCP is:

- 1) Provide a surface water supply to the South of Delta Water Users which are part of the BDCP
- 2) Establish Bay Delta fishery habitat to offset the impacts of the historic operations of the CVP and SWP

What we don't have is a description of who will get the water and the Needs of the project; How Much Water (and when and at what quality) and How Much Fishery Habitat (and what specifically is fishery habitat in this project).

What do you all think?

If you're all in agreement with what I have here then the next step would be for us all to meet with DWR and Reclamation and NMFS and USFWS (the state and federal Lead Agencies) at a single meeting and inform them of our determination so they all hear it at once and we all are available to answer any questions they may have.

And obviously, if we're not in agreement then we'll work this out among ourselves before we meet with DWR and Reclamation and NMFS and USFWS

Carolyn and Erin, If there are others at EPA who should weigh in on this please get their input on this.

Thanks, Mike [attachment "BDCP_Draft_Purpose_Statement_10-23-09.doc" deleted by Bruce Herbold/R9/USEPA/US]